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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11 SCOTT C. SMITH,

12                  Plaintiff,

13                  v.

14 SGT. SULLIVAN, *et al*,

15                  Defendants.

16                  Case No. C09-5228RJB-KLS

17                  ORDER DENYING PLAINTIFF'S  
18                  REQUEST FOR PERSONAL  
19                  SERVICE ON DEFENDANTS

20                  This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §  
21 636(b)(1), Local Rules MJR 3 and 4, and Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 72. The  
22 case is before the Court on plaintiff's filing of a written request to have defendants personally served with  
23 the summons and complaint. (Dkt. #12). After reviewing plaintiff's request and the balance of the  
24 record, the Court finds and orders as follows:

25                  In regard to defendants Sgt. Sullivan, Capt. Jones and Caroline Hardy, plaintiff's written request is  
26 now moot, as both the waiver and return of service forms already have been received for all three of those  
27 defendants. (Dkt. #8-#10, #13-#15). Waiver and return of service forms have been received for defendant  
Ruben Cedeno as well, but they came back unexecuted. (Dkt. #18). It appears they could not be  
executed, because defendant Cedeno could not be located at the address plaintiff provided therefor. (*Id.*).  
As such, personal service on defendant Cedeno also is inappropriate here.

The Court is not aware of any other contract address for defendant Cedeno with which again to

1 attempt to complete service on him in this case. Accordingly, because such service cannot be effected,  
2 personal jurisdiction over defendant Cedeno does not currently exist in this case, and thus the Court has  
3 no authority over him at this time. However, should plaintiff provide the Court with a current contact  
4 address for defendant Cedeno – along with a properly completed summons and copy of the complaint – it  
5 will have the United States Marshall once more attempt service thereon.

6 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants. The  
7 Clerk also is directed to send to plaintiffs copies of the waiver and return of service forms received for  
8 the named defendants (Dkt. #8-#10, #13-#15, #18).

9 DATED this 15th day of September, 2009.

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Keen L. Stromberg

Karen L. Strombom  
United States Magistrate Judge